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2 UNITED STATES DISTRICT COURT
3 WESTERN DISTRICT OF WASHINGTON
4 AT TACOMA

5 ERIC QUINN FRANKLIN,

6 Petitioner,

7 v.

8 ROBERT W. FERGUSON,

9 Respondent.

CASE NO. C19-5017 BHS

ORDER DENYING PETITIONER'S
MOTIONS TO AMEND

10 This matter comes before the Court on Petitioner Eric Quinn Franklin's
11 ("Franklin") three motions to amend judgment, Dkts. 27, 29, 30.

12 On February 15, 2019, Franklin filed a petition for writ of habeas corpus
13 challenging a 2002 state court conviction. Dkt. 6. On April 2, 2019, Respondent Robert
14 W. Ferguson ("State") filed a motion to dismiss the petition because Franklin was no
15 longer in state custody and the petition was untimely. Dkt. 18. On May 16, 2019, the
16 Honorable David W. Christel, United States Magistrate Judge, issued a Report and
17 Recommendation ("R&R") recommending that the Court grant the State's motion. Dkt.
18 22. Judge Christel set May 31, 2019 as the deadline for filing objections. *Id.* On June 3,
19 2019, The Court adopted the R&R stating that no objections had been filed. Dkt. 23. On
20 June 11, 2019, Franklin filed objections. Dkt. 25.

21 On July 2, 2019, Franklin filed a motion to amend judgment. Dkt. 27. On July
22 11, 2019, Franklin filed another motion, which is a supplement to the previous motion.

1 Dkt. 29. On July 12, 2019, Franklin filed another motion to amend judgment. Dkt. 30.
2 Franklin argues that his petition is proper because he meets an exception to the general
3 rule that a “defendant generally may not challenge the enhanced [federal] sentence
4 through a petition under § 2254 on the ground that the prior [state] conviction was
5 unconstitutionally obtained.” *Lackawanna Cty. Dist. Attorney v. Coss*, 532 U.S. 394,
6 403–04 (2001). Franklin contends that his state court conviction was obtained in
7 violation of the Double Jeopardy Clause of the Constitution. Dkt. 27. The Supreme
8 Court, however, has only recognized a few exceptions to this general rule and violation of
9 the Double Jeopardy Clause is not one of them. Thus, even if Franklin’s petition could
10 be reviewed on the merits despite the serious issues with prerequisites such as exhaustion
11 and timeliness, Franklin has failed to establish that his enhanced sentence was obtained in
12 violation of “clearly established Federal law, as determined by the Supreme Court of the
13 United States.” 28 U.S.C. § 2254. Accordingly, the Court **DENIES** Franklin’s motions
14 to amend, Dkts. 27, 29, 30, and **DENIES** Franklin a certificate of appealability.

15 **IT IS SO ORDERED.**

16 Dated this 12th day of September, 2019.

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19 BENJAMIN H. SETTLE
20 United States District Judge
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